

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	
	§	
<b>JOHN H. HAMILTON, SR.,</b>	§	<b>Case No. 10-35770</b>
	§	<b>(Chapter 7)</b>
<b>DEBTOR.</b>	§	

**NOTICE OF 2004 EXAMINATION AND REQUEST FOR DOCUMENTS**

**TO: Samuel Cammack, c/o Randall C. Owens, Wright & Close, LLP, Three Riverway, Suite 600, Houston, Texas 77056.**


PLEASE TAKE NOTICE that pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, the undersigned, counsel for Ronald J. Sommers, Chapter 7 Trustee, will take the examination of **Samuel Cammack beginning at 10:00 a.m. on April 12, 2011 at the offices of Randall C. Owens, Wright & Close, LLP, Three Riverway, Suite 600, Houston, Texas 77056.** The deposition will be taken before an officer duly qualified to administer oaths, by stenographic means and/or by visual means. The deposition will continue thereafter from day to day until completed. All interested parties are invited to attend and cross examine.

Attached hereto as **Exhibit "2"** is a list of topics upon which Ronald J. Sommers, Chapter 7 Trustee, intends to question the deponent.

PLEASE TAKE FURTHER NOTICE that pursuant to Bankruptcy Rule 2004 and 9016, the undersigned, counsel for the Ronald J. Sommers, Chapter 7 Trustee, requests that **Samuel Cammack** produce or make available for inspection, copying and review all documents listed on **Exhibit "3"** on **April 8, 2011** at the law offices of Snow Fogel Spence LLP, 2929 Allen Parkway, Suite 4100, Houston, Texas 77019, Attention: Ross Spence.

Respectfully submitted,

SNOW FOGEL SPENCE LLP

By: 

Ross Spence

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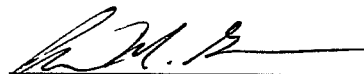
**COUNSEL FOR RONALD J. SOMMERS, TRUSTEE**

**CERTIFICATE OF SERVICE**

I certify that on 23rd day of March, 2011, a true and correct copy of the above and foregoing was served upon all parties per the Service List attached as **Exhibit 1** via the Court's electronic case filing system (ECF) and/or via First Class Mail and the following parties via facsimile.

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*Counsel for Defendant Patricia L. Hamilton*



Aaron M. Guerrero

**EXHIBIT "1" – SERVICE LIST****Debtor:**

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P. O. Box 115  
Simonton, TX 77476-0115  
*Via First Class Mail*

**Debtor's Counsel:**

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Internal Revenue Service  
Centralized Insolvency Operations  
P. O. Box 21126  
Philadelphia, PA 19114-0326  
*Via First Class Mail*

US Trustee  
OFFICE OF THE US TRUSTEE  
515 Rusk Street, Suite 3516  
Houston, TX 77002-2604  
*Via ECF and First Class Mail*

Ronald J. Sommers,  
Chapter 7 Trustee  
NATHAN SOMMERS JACOBS  
2800 Post Oak Blvd., 61<sup>st</sup> Floor  
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and First Class Mail*

**20 Largest Unsecured Creditors:**

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P O Box 11626  
Houston, TX 77293  
*Via First Class Mail*

Imperial Capital Bank  
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Glendale, CA 91203  
*Via First Class Mail*

City Bank  
5219 City Bank Parkway  
Lubbock, TX 79407  
*Via First Class Mail*

Center Capital Corporation  
3 Farm Glen Blvd.  
Farmington, CT 06032  
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Regions Bank  
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MCGLINCHEY STAFFORD PLLC  
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CANTRELL, RAY & BARCUS, LLP  
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Bay Area Windham Park, LLC  
c/o Michael P. Couch  
P. O. Box 365  
Fulshear, TX 77441  
*Via First Class Mail*

Bay Area Windham Park, LLC  
c/o Mr. Long Hai Nguyen  
548 International Blvd., Suite 1  
Oakland, CA 94606  
*Via First Class Mail*

Independence Bank, NA P.O. Box 550289 Houston, TX 77255 <i>Via First Class Mail</i>	DCFS USA LLC 36455 Corporate Dr Farmington Hills, MI 48331 <i>Via First Class Mail</i>
Headwaters Construction Materials c/o Andrew McCormick McCORMICK MCNEAL EDLER & WILLIAMS LP 5909 West Loop South, Ste. 550 Bellaire, TX 77401 <i>Via First Class Mail</i>	Chase Bank One Card Services Westerville, OH 43081 <i>Via First Class Mail</i>
Glen Lowenstein P. O. Box 31339 Houston, TX 77231 <i>Via First Class Mail</i>	

**Parties Requesting Notice:**

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Cathay Holdings 3, LLC c/o Barbara Ellis LOCKE LORD BISSELL & LIDDELL LLP 100 Congress Ave., Ste. 300 Austin, TX 78701-2748 <i>Via First Class Mail</i>	Chamberlin Roofing and Waterproofing Demac Concrete Contractors, Inc. c/o MCCORMICK, HANCOCK & NEWTON 1900 West Loop South, Suite 700 Houston, TX 77027-3282 <i>Via First Class Mail</i>
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Chase Bank USA, N.A. P. O. Box 15145 Wilmington, DE 19850-5145 <i>Via First Class Mail</i>	Chocolate Chip Aviation 1388 Flightline Dr. Spring Branch, TX 78070-6127 <i>Via First Class Mail</i>
CIT Technology Financial Services, Inc. c/o BANKRUPTCY PROCESSING SOLUTIONS, INC. 800 E. Sonterra Blvd., Suite 420 San Antonio, TX 78258-3940 <i>Via First Class Mail</i>	Civil-Surv Land Surveying 4710 Bellaire Blvd., Suite 250 Bellaire, TX 77401-4531 <i>Via First Class Mail</i>
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<p>Jeffrey C. Jackson JEFFREY C. JACKSON PLLC 720 Bayland Ave. Houston, TX 77009-6610 <i>Via First Class Mail</i></p>	<p>Nicholas Kazakoff and Suntree Realty Partners, L.P. c/o WILSHIRE &amp; SCOTT, P.C. 3000 One Houston Center 1221 McKinney Houston, TX 77010-2011 <i>Via First Class Mail</i></p>
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<p>Lentz Engineering LC 4710 Bellaire, Suite 250 Bellaire, TX 77401-4531 <i>Via First Class Mail</i></p>	<p>Marina Bay Management, LLC, James Nguyen, and Tracy Nguyen c/o John R. Gladney 6901 Corporate Dr., Suite 111 Houston, TX 77036-5119 <i>Via First Class Mail</i></p>
<p>National Loan Investors, LP 5619 N. Classen Blvd. Oklahoma City, OK 73118-4015 <i>Via First Class Mail</i></p>	<p>Onewest Bank One National City Kalamazoo, MI 49009-8003 <i>Via First Class Mail</i></p>
<p>Pennbridge Orchard Plaza S, L.P. c/o John R. Gilbert GILBERT &amp; GILBERT P. O. Box 1819 Angleton, TX 77516-1819 <i>Via First Class Mail</i></p>	<p>Ranger Fire, Inc. c/o Brandon Starling 4144 N. Central Expressway, Ste. 300 Dallas, TX 75204-3293 <i>Via First Class Mail</i></p>
<p>Ruidoso Texas, LTD 410 W. Grand Parkway South, Ste. 400 Katy, TX 77494-8361 <i>Via First Class Mail</i></p>	<p>Anthony Sullivan ROSS BANKS MAY CRON &amp; CAVIN PC 2 Riverway, Ste. 700 Houston, TX 77056-1918 <i>Via First Class Mail</i></p>
<p>United Partners Group, LLC 6118 Caminito Sacate San Diego, CA 92120-3155 <i>Via First Class Mail</i></p>	<p>Wells Fargo Bank, NA c/o Steven J. Lownds QUILLING SELANDER CUMMISKEY &amp; LOWNDS PC 2001 Bryan St., Ste. 1800 Dallas, TX 75201-3070 <i>Via First Class Mail</i></p>
<p>Dominique Varner HUGHES, WATERS &amp; ASKANASE, LLP 333 Clay, 29<sup>th</sup> Floor Houston, TX 77002-2571 <i>Via First Class Mail</i></p>	<p>Alex Yanez 7135 Majestic Oaks Houston, TX 77040-3917 <i>Via First Class Mail</i></p>
<p>James C. Mulder Trustee of the Hamilton Family Trust 4545 Mt. Vernon Houston, TX 77006-5815</p>	<p>Santa Fe Brokerage Associates, LLC c/o its counsel, David Crump c/o University of Houston Law Center 100 Law Center Houston, TX 77204-6060 <i>Via Email: <a href="mailto:DCrump@UH.Edu">DCrump@UH.Edu</a></i></p>



**DEFINITIONS AND INSTRUCTIONS**

The following terms shall have the following meaning unless otherwise specifically indicated.

1. The terms “relating,” “related,” “reflecting,” and “concerning” mean, in addition to their customary and usual meaning, discussing, referring, reflecting, evidencing, assessing, recording or in any way relevant to, or discoverable in whole or in part, within the meaning of the Texas Rules of Civil Procedure.

2. The term “identify” when used in reference to a *natural person* means to state the following:

(a) His or her full name;

(b) Present or last known residential address;

(c) Present or last known residential and business telephone numbers;

(d) The present occupation, job title, employer, and employer’s address at the time of the event or period referred to in each particular interrogatory;

(e) In the case of any other person other than an individual, identify the officer, employee, or agent most closely connected with the subject Matter of the interrogatory, and the officer who is responsible for supervising that officer or employee; and

(f) If such person has, or at the time in question, had any relationship to any of the parties to this action, “identify” also means to state what that relation is or was, and the inclusive date of same.

3. The term “identify” when used in reference to a *corporation, partnership or other legal entity* other than a natural person means to state its full name, form of organization, and address or principal place of business at the time in question.

4. The terms “describe” or “identify” when used in reference to a *document* means to state the following:

(a) The nature (e.g., letter, handwritten note, etc.) of the document;

(b) The title or heading that appears on the document;

(c) The date of the document and the date of each addendum, supplement, or other addition of change;



(d) The identity of the author and of the signer of the document, and of the person on whose behalf or at whose request or direction the document was prepared or delivered; and

(e) The document's present location and the name, address, position or title, and telephone number of its custodian.

If any document is no longer in your possession or subject to your control, "identify" also means to state what disposition was made of it, and the date of such disposition.

5. The terms "document" and "documents" as used in these requests shall be used in their broadest sense and shall mean the following described items that are in your possession, constructive possession or control. Without limiting the term "control," a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any person or public or private entity having physical possession thereof. Documents include the original or any copies that may be printed, typewritten, handwritten, mechanically or otherwise recorded, transcribed, stated or graphic Matter or whatever character, with attachments and appendices thereto, including, but not limited to, letters, calendars, interoffice and intraoffice communications, agreements, contracts, correspondence, telegrams, telexes, messages, memoranda, records, reports, books, summaries, diaries, tape recordings, financial statements, work sheets, work papers, drafts, graphs, charts, tables, accounts, consultants' reports, appraisals, brochures, pamphlets, circulars, trade letters, notices, notebooks, bills, statements, lists, printouts, compilations, tabulations, purchase orders, receipts, sell orders, checks, canceled checks, letters of credit, **COMPUTER-STORED OR ELECTRONICALLY-STORED MATTER**, however and by whomever produced, prepared, reproduced, disseminated, or made, and all analyses and interpretations of such above or herein requested documents, and any carbon or photographic copies of any such material if you do not have custody or control of the original. Electronically stored information should be produced in Microsoft Word or searchable Adobe .pdf format.

6. If, in answering any of this discovery, you encounter any ambiguity in construing either the question or a definition or instruction relevant to the inquiry contained in the question, set forth the Matter deemed ambiguous and the construction selected or used in responding to the interrogatory.

7. These discovery requests are continuing in nature and require you to supplement your responses promptly if you obtain additional or different information responsive to such interrogatories.

8. If any of these discovery requests cannot be responded to in full, answer to the extent possible, specifying the reasons for your inability to respond to the remainder.

9. "Communication" means any oral, written, printed, documentary, or electronic transfer of information.

10. "Debtor" shall mean John H. Hamilton, Sr.

**EXHIBIT "2"**

**TOPICS FOR EXAMINATION**

1. Deposits with, equity interest in, and ownership interest of each of the following: John Hamilton, Patricia Hamilton, children of either of them, PLD-CMJ Incorporated, Starcrete of Texas, Hamilton Family Trust, B.C. 78, L.P., Excel Mortgage Corporation, Interim Portfolio Management, Patricia Hamilton or any children of John Hamilton and/or Patricia Hamilton, and each of their general partners.
2. Assets owned by John Hamilton, Patricia Hamilton, children of either of them, PLD-CMJ Incorporated, Starcrete of Texas, Hamilton Family Trust, B.C. 78, L.P., Excel Mortgage Corporation, Interim Portfolio Management, Patricia Hamilton or any children of either of them. This includes real property, personal property, intangibles, benefits, and any rights or interests in property of any kind.
3. John Hamilton's current employment.
4. Payment of John Hamilton debts.
5. The Hamilton Family Trust.
6. The budget, finances, assets, income, liabilities, and debts of John Hamilton over the last four years and through the present.
7. Assets of the Debtor.
8. Communications with counsel for the Debtor.
9. Communications with the Debtor.
10. Communications with Patricia Hamilton.
11. Communications with counsel for Patricia Hamilton.
12. Any Transfers of Assets by the Debtor, Patricia Hamilton, or any entity associated with either to any of the following: Samuel Cammack, John Hamilton, Patricia Hamilton, children of either of them, PLD-CMJ Incorporated, Starcrete of Texas, Hamilton Family Trust, B.C. 78, L.P., Excel Mortgage Corporation, Interim Portfolio Lending Corp., Patricia Hamilton or any children of either of them.
13. All business dealings between you and/or any entity associated with you and John Hamilton and/or Patricia Hamilton.
14. All loans made by you and/or any entity associated with you and John Hamilton and/or Patricia Hamilton.

15. All agreements between you and/or any entity associated with you, on the one hand, and John Hamilton and/or Patricia Hamilton, on the other hand, whereby you or any entity associated with you agreed to hold Assets of John Hamilton and/or Patricia Hamilton in trust or with the agreement to return such Assets to John Hamilton and/or Patricia Hamilton at a future date.

16. All associations between Centejas Mortgage Corporation and Samuel Cammack.

17. Ownership of the property commonly known as 18174 River Sage Drive, Houston, TX 77084.

18. The identity of persons with knowledge of assets ever associated with John Hamilton in the last four years.

**EXHIBIT "3"**

**REQUEST FOR PRODUCTION**

1. Texas driver's license and last 4 digits of social security number.
2. All documents evidencing or relating to each transfer of money, assets, or property by John Hamilton or Patricia Hamilton or any entity associated with either of them to you or any entity associated with you in the last 4 years and through the present.
3. All loan or credit applications and all financial statements you have signed or caused to be filled out or submitted on behalf of John Hamilton or Patricia Hamilton over the last 4 years and through the present.
4. All loans you or any entity associated with you have provided to John Hamilton or Patricia Hamilton at any time over the last 4 years and through the present.
5. Travel itineraries, flight schedules, tickets, reservations, billings, or other documents pertaining to any travel or vacations in which you traveled or vacationed with John Hamilton and/or Patricia Hamilton since January 1, 2008.
6. All promissory notes or other evidence of any receivable or obligation John Hamilton and/or Patricia Hamilton owe to you or any entity associated with you.
7. All receipts or other documentation of all items John Hamilton or Patricia Hamilton have put on consignment or for sale through you or any entity associated with you over the prior 4 years and through the present.
8. All records pertaining to B.C. 78, L.P., Excel Mortgage Corporation, Interim Portfolio Management, and every other business in which you have or had any interest during the prior 4 years and through the present.
9. All deeds pertaining to real property B.C. 78, L.P., Excel Mortgage Corporation, and/or Interim Portfolio Management have owned or sold during the prior 4 years and through the present.
10. All instruments relating to any interest in real property, including any royalties, B.C. 78, L.P., Excel Mortgage Corporation, and/or Interim Portfolio Management have owned at any time during the prior 4 years and through the present.
11. All trust agreements for any trust where John Hamilton, Patricia Hamilton, and/or any child of either is a beneficiary or contingent beneficiary and which you or any entity associated with you is trustee or substitute trustee, and all records showing the assets of such trusts.
12. All documents relating to Assets owned by the Debtor.

13. All documents relating to Assets held by you for the benefit of the Debtor, Patricia Hamilton, or any child of either or which you have an agreement with the Debtor, Patricia Hamilton, or any child of either to convey or return the Assets to the Debtor, Patricia Hamilton, or any child of either.

14. All documents relating to the Hamilton Family Trust.

15. The identity of persons with knowledge of assets ever associated with John Hamilton in the last four years.